

Appl. No. 10/045,940
Amdt. Dated November 5, 2003
Reply to Office action of August 5, 2003

REMARKS

Reconsideration of the above-identified application in view of the following comments is respectfully requested.

The applicants acknowledge, with appreciation, the allowance of claims 1-29. These claims remain allowable.

Turning to the rejection of two claims (claims 30 and 31) the rejection is respectfully traversed. First, it should be noted that the prior art of record does not disclose nor suggest the use of an ozone resistant oil to lubricate at least part of a watch movement. The lubrication of a watch movement is in distinction from lubrication that may be applied to other parts of a watch device such as a main spring or crown mechanism. It is only upon reading the present application that the person of ordinary skill in the art would even be led to lubricate a watch movement with an ozone resistant oil. Accordingly, it is the present application that is the true teaching to provide the present invention.

This is borne out by the fact that the specification presents that the applicants themselves discovered that spark discharges are produced in watch movements with microgenerators and electronic regulation. It is the spark discharges that produce ozone, which in turn can lead to oil deterioration. Again, the prior art of record does not teach or suggest the occurrence of this phenomena. As such, there is nothing that would lead the person of ordinary skill in the art, except the present application. Along these lines, it should be clear that there is no admission within the present application that the occurrence of this phenomena (spark discharges

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produced in watch movements with microgenerators) was even known or understood in the prior art.

As a consequence, it is respectfully submitted that the Examiner's assertion at pages 2 and 3 (item 2) that "[T]he prior art problems of spark discharge/ozone depletion [sic.] in timepiece generator geartrain described at page 3 of applicant's specification would lead one skilled in the art to provide a lubricant which would be most effective in such an environment." is clearly without basis. It should be noted that page 3, which is the identified passage of this specification, is part of the applicants brief summary of the invention, and in no way contains any admission as to what was within the art prior to the present invention.

In general, it is respectfully submitted that there is no logical path that a person of ordinary skill in art would proceed along that would lead to the present invention, except to follow the teachings provided by the present application. As illustrative of the disjoint problems of the present rejection, it is noted that the Office action refers to the problem "ozone depletion" in item 2 of the Office action. It should be noted that while a conventional horologic oil or substance (such as formed when Fomblin Z25) may be rated for its ozone depletion potential (ODP), this characteristic refers to the potential of the oil or substance to deplete ozone (as a negative affect on the environment), this is in distinction from resistance to deterioration when exposed to ozone. This distinction may be better appreciated upon review of the following website: <http://www.epa.gov/ozone/defns.html>. As such, it should be clear that the mere possibility that a person of ordinary skill in the

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art could possibly ozone resistant oil to lubricate a watch movement is not sufficient.

A mere possibility does not rise to the level of obviousness. It should be appreciated that many things are possible. However, such possibility does not in and of itself make the occurrence obvious. In many respects, obviousness is related to a process along which a person of ordinary skill in the art would naturally proceed based upon information before the person. Again, information with regard to use of ozone resistant oil to lubricate a watch part is first and only presented within the present application. The person of ordinary skill in the art certainly would not make a presumptive leap to utilizing such an oil absent anything that would lead or teach them. In fact, some of the teachings that are relied upon within the Office Action actually appear to teach away (i.e. be a negative teaching) from the present invention. Accordingly, it is respectfully submitted that the claims, and in particular claim 30, is allowable.

With regard to the presented aspect of Fomblin as being a well known lubricant, and thus one skilled in the art would be familiar with uses thereof for lubricating gear bearings, it should be noted that Fomblin fluid is available in a variety of grades. Each of these grades have different molecular weight and fluidity. As such, it can be easily appreciated that all of these Fomblin fluids are not suitable for lubricating movement of a watch. For example, although the Frei & Borel reference discloses a Fomblin Grease, there is no indication that the grease is suitable for watch movements. On the contrary, other oils and greases listed in this reference are expressly described as being suitable for various parts of a watch

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movement, whereas the Fomblin Grease is specifically not so described. In general, watch movement lubrication requires a very fluid oil, and paste grease (such as the Fomblin) would not be suitable for watch movements. Greases are used in horology for lubricating o-rings and gaskets, such as to ensure water tightness of the crown or for high load-slow speed parts like a main spring. However, they are not used on geartrains of movements. As such, the person of ordinary skill in the art certainly would not find it obvious to make use as asserted within the Office action.

The mere fact that a lubricant is Fomblin does not imply that it is ozone resistant. All of this can be inferred from the labeling that the grease contains Fomblin fluids to some extent, plus other ingredients of undetermined nature. It is not stated that the Fomblin fluids and the other component of the composition are ozone resistant. Accordingly, the mere existence of Fomblin does not in and of itself provide any clear path of teaching to the person of ordinary skill in the art.

Focusing now on claim 31, the Examiner asserts, in item 3 on page 3 of the Office action that the use of a non-magnetizable material for gears and non-epilaminized surfaces thereof would be obvious in view of the suggestion of non-magnetizable materials for the geartrain components at page 3 of the present application and the need for conductive surfaces for proper grounding noted within the application. However, such an assertion is without proper basis. As noted above, page 3 of the present application is not directed to any prior art admission, but is actually directed to the summary of the invention. Therefore, the teachings on page 3 clearly cannot be used as a basis upon which to formulate a rejection.

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Accordingly, it is respectfully submitted that all of the presently pending claims are allowable.

Please note, with regard to the website identified above, it should be noted that the applicants do not have any knowledge with regard to date of the website. Accordingly, there is no acknowledgment that such a website would be prior art, if such a consideration became pertinent.

Lastly, the applicants' representative would like to discuss these issues in greater detail with the Examiner. As such, once the Examiner has received and reviewed these comments, the Examiner is specifically requested to contact the applicants' representative for such an interview.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33952.

Respectfully submitted,

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